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MEMORANDUM ENDORSED

September 20, 2022

VIA ECF

Hon. Gregory H. Woods
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, New York 10007

Re: *Telebrands Corp. v. Adward runbaifan, et al.,*
Case No. 23-cv-1063 (GHW)
Request to Indefinitely Adjourn the Deadline to Submit Joint Letter and Proposed Case Management Plan and the Initial Pretrial Conference

Dear Judge Woods,

We represent Plaintiff Telebrands Corp. (“Plaintiff”) in the above-referenced action (the “Action”).¹ On September 7, 2023, the Court scheduled the Initial Pretrial Conference for October 11, 2023, at 4:00 p.m. For the reasons set forth herein, Plaintiff respectfully requests that the Court indefinitely adjourn the deadline for the parties’ joint letter and Proposed Case Management Plan along with the Initial Pretrial Conference. In accordance with Your Honor’s Individual Rules of Practice, Plaintiff submits the following:

1. **Original Due Date:** Currently, the deadline to file the parties’ joint letter and Proposed Case Management Plan is October 4, 2023 and the Initial Pretrial Conference is currently scheduled for October 11, 2023.
2. **The number of previous requests for adjournment:** None, this is Plaintiff’s first request to indefinitely adjourn the deadline to file the joint letter and Proposed Case Management Plan and the Initial Pretrial Conference.
3. **The reason for the current request:** Plaintiff respectfully requests an indefinite adjournment of the deadline to file the joint letter and Proposed Case Management Plan and the Initial Pretrial Conference because all of the Defendants who had formally appeared in this action, i.e. Defendants biaterd-US, foukin, Jinyier, Pickloud-US, risavm- US, Tongtalive, Vikye-H and Xiuganpo-US (hereinafter “Appearing Defendants”) have been dismissed, and Appearing Defendants likewise dismissed their counterclaims against Plaintiff. Specifically, on May 22, 2023, Plaintiff and the Appearing Defendants reached a settlement, and thereafter, on June 1, 2023, Plaintiff voluntarily dismissed the Appearing Defendants. (Dkt. 33). In light of the

¹ Where a defined term is referenced herein but not defined, it should be understood as it is defined in the Glossary in the Complaint or Application.

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settlement terms reached between Plaintiff and the Appearing Defendants, on September 8, 2023, the Appearing Defendants stipulated to the dismissal of their counterclaims against Plaintiff, which was so-ordered by the Court on September 12, 2023. (Dkt. 37). Accordingly, all of the Appearing Defendants and their counterclaims against Plaintiff have been dismissed. To date, none of Defendants other than the Appearing Defendants have appeared in this Action, and are all currently in default. Accordingly, there are presently no appearing parties in this Action for Plaintiff to enter into a Case Management Plan with.

4. **Whether the adversary consents:** Given that the Appearing Defendants and their counterclaims have been dismissed from the Action, and all of the remaining Defendants are currently in default, Plaintiff did not seek their consent.
5. **Proposed alternative dates:** N/A.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

EPSTEIN DRANGEL LLP

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Application granted in part. The initial pretrial conference scheduled for October 11, 2023 is adjourned to December 5, 2023 at 4:00 p.m. The joint status letter and proposed case management plan described in the Court's September 7, 2023 order are due no later than November 28, 2023. The Court expects that any application for an order to show cause for default judgment will be filed by October 15, 2023. Plaintiff is directed to serve this order on Defendants and to file proof of service. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 40.

SO ORDERED.

Dated: September 21, 2023
New York, New York



GREGORY H. WOODS
United States District Judge